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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,443

02/26/2004

Steven E. Koenck

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EXAMINER

CHERY, DADY

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

11/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/787,443		KOENCK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	DADY CHERY		2416	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed on 10/22/2008.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

However, the present application is a DIV of application 08/513658 filed on 08/11/1995 which is a CIP of application 07/835718 filed on 02/12/1992. The claimed invention is considered as a new subject matter, therefore 02/26/2004 is considered as the effective filing of the instant application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Meier (US Patent, 6, 0848, 867).

Regarding claims 1, 2, 11,12,18,19,25 and 26, Meier discloses a system for use in a communication network having a plurality of subnetworks (**Fig. 2, 3,7,8 and 9**), the system comprising:

A mobile computing device (**fig. 3, 116,118, see col. 19 lines 62 - col. 21, lines 18 )** comprising :

a base module comprising a base processing unit operable on data in accordance with a set of communication software routines (**Col.1, lines 55 -61 and Col. 2, lines 1 -4, base stations required to adequately serve the system**);

a communication module comprising:

a first communication transceiver comprising a first operating characteristic to conduct data communications on a first of the plurality of subnetworks (**Fig. 2,101 and Col. 2, lines 51 -54,))**;

a second communication transceiver comprising a second operating characteristic to conduct data communications on a second of the plurality of subnetworks, the second operating characteristic being different from the first operating characteristic and the second subnetwork being different from the first subnetwork (**Fig. 2,105, Col. 2 , lines 51 -54 , Col. 19, lines 36 - 48 and Col. 24, lines 50 -65, wired and wireless**);

a communication processor coupled between the base processing unit and the first and second communication transceivers for converting data received by the first and second communication transceivers to a format for processing by the base processing unit in accordance with the set of communicating software routines and for converting data processed by the base processing unit to a format for transmission by a selected one of the first and second communication transceivers, thereby isolating the base processing unit from differences between the first and second operating characteristics of the first

and second communication transceivers (**Col. 24, lines 51 – 66, WDAP has processor that converts data from wireless to wired network vice-versa**).

Regarding claims 3,13,20 and 27 , Meier discloses the system of claim 1 wherein the first communication transceiver operates in a wired subnetwork and the second communication transceiver operates in a wireless subnetwork (**Fig. 2,105, Col. 2 , lines 51 -54 , Col. 19, lines 36 - 48 and Col. 24, lines 50 -65, wired and wireless**).

Regarding claims 4 and 35, Meier discloses the system of claim 3 wherein the wireless subnetwork comprises a backup network in the event of a failure in the wired subnetwork (**Fig. 7, Col. 22, and lines 45 – 51**).

Regarding claim 5, Meier discloses the system of claim 4 wherein the communication processor includes test means (**Fig. 8, 307**) for testing the wired subnetwork (**Col. 8, lines 20 - 28 and Col. 24, lines 21 – 24**).

Regarding claims 6, 14,21, 28 and 45, Meier discloses the system of claim 5 wherein the test means includes means for initiating a test (**303**)communication by the second communication transceiver and means (**291**) responsive to the absence of receipt of a reply test communication by the first communication transceiver following initiation of a test communication by the second communication transceiver for conducting data communications with the second communication transceiver (**Col. 8, lines 20 - 28 and Col. 24, lines 21 – 24**).

Regarding claim 7, 15, 22 and 29,Meier discloses the system of claim 6 wherein the test means further includes means responsive to receipt of a test communication by

the second communication transceiver for initiating a test communication by the first communication transceiver (**Col. 8, lines 20 - 28 and Col. 24, lines 21 – 24**).

Regarding claims 8, 16,23 and 30, Meier discloses the system of claim 1 wherein the communication module is housed in a PCMCIA card (**Col. 23, lines 19 -20**).

Regarding claims 9, 17,24 and 31, Meier discloses the system of claim 1 wherein the communication processor further includes means for relaying communication received by one of its first and second communication transceivers for retransmission by the other of its second and first communications transceivers (**Col. 2, lines 53 -55, Col. 3, lines 54 -56 etc...**).

Regarding claim 10, Meier discloses In the communication network of claim 1 including a computer and a plurality of mobile of computing device (**Fig. 3, 116,118,etc..**) each coupled to the plurality of subnetworks (**subnet 1- subnet 4**) and wherein at least one of the communication transceivers of each of the portable data collection terminals operates in a wireless subnetwork, the communication processor of each data collection terminal being responsive to an out-of- range condition for the respective portable data collection terminal to initiate data communications by its said one communication transceiver to another of the plurality of portable data collection terminals, the other of the data collection terminals relaying data communications between the computer and the first-named data collection terminal(**Col. 8, lines 20 -29**).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DADY CHERY whose telephone number is (571)270-1207. The examiner can normally be reached on Monday - Thursday 8 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dady Chery/  
Examiner, Art Unit 2416

/Ricky Ngo/  
Supervisory Patent Examiner, Art  
Unit 2416